UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,967	11/19/2003	Maria Adamczyk	9400-48	7546

39072 7590 02/06/2008	EXAMINER
MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627	BATES, KEVIN T

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 December 2007</u>.

2a)☒ This action is FINAL. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10,12-18,20-26 and 28-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-10, 12-18, 20-26, and 28-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20080202

Response to Amendment

This Office Action is in response to a communication made on December 20,

2007.

Claims 2, 11, 19, and 27 have been cancelled.

Claims 1, 3, 6, 10, 12, 15, 18, 20, 23, 26, 28, and 31 have been amended.

Claims 1, 3-10, 12-18, 20-26, and 28-33 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 9-14, 18-22, and 26-30 are rejected under 35 U.S.C. 103(a) as

being unpatentable over DSL Forum WT-081 Revision 8 (Applicant's IDS) in view

of Freed (7073055).

Regarding claims 1, 10, 18, and 26, the DSL Forum teaches a method of

managing Quality of Service (QoS) and/or bandwidth allocation in a Regional/Access

Network (RAN) having a broadband access server (BRAS) (Page 20, Figure 20) that

provides end-to-end transport between a Network Service Provider (NSP) and/or an

Application Service Provider (ASP) (Page 28, Figure 19), and a Customer Premises

Network (CPN) that includes a Routing Gateway (RG) (Page 21, Figure 14) wherein the

RAN comprises a digital subscriber link (DSL) network (Page 32, Figure 21); wherein the DSL network further includes a Network Interface Protocol Handler, a DSL Service Manager, and a DSL Session Data Store; and wherein receiving a service session request from the NSP and/or the ASP comprises receiving the service session request at the Network Interface Protocol Handler (Page 32, under the characteristics section, it teaches that the BRAS receives communications from the service providers, manages QoS, and stores profiles in the policy repository).

The DSL Forum does not explicitly indicate receiving at the RAN, a service session request from the NSP and/or the ASP including a request to establish or terminate a communication session, the NSP and/or ASP being associated with a service provider record;

authenticating the NSP and/or the ASP based on information contained in the service provider record to provide an authentication result or a termination result; and

transmitting from the RAN, the authentication result or the termination result to the NSP and/or ASP.

Freed teaches a Service network (Abstract) that includes a DSL connection (Column 7, lines 12 – 14) which teaches receiving at the RAN, a service session request from the service provider including a request to establish or terminate a communication session (Column 13, lines 49 – 53), the service provider being associated with a service provider record (Column 13, lines 22 – 26);

authenticating the service provider based on information contained in the service

provider record to provide an authentication result or a termination result (Column 13,

lines 55 – 59); and

transmitting from the RAN, the authentication result or the termination result to

the service provider (Column 14, lines 9 – 14).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Freed's teaching of using the service provider's to set up

communication sessions in the DSL Forum's network in order to allow the service

provider to set up the necessary resources for the customer premises network.

Regarding claims 3, 12, 20, and 28, DSL forum teaches the method of claims 1,

10, 18, and 26.

The DSL Forum does not explicitly indicate wherein the service session request

comprises an establish service session request and wherein authenticating further

comprises: forwarding from the Protocol Handler, the establish service session request

to the to the DSL service manager; querying from the DSL service manager, the DSL

Session Data Store to obtain the service provider record based on a service provider

identifier; validating at the DSL service manager, service provider credentials in the

obtained service provider record; and generating the authentication result responsive to

the validation of the service provider credentials.

Freed teaches that the RADIUS server receives the service provider requests,

manages those requests, queries the session profiles, validates the request and

generates the results (Column 13, line 49 – Column 14, line 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freed's teaching of how to handle the service provider request at the server in the DSL Forum in order allow the server to validate the request before allocating the requested resources.

Regarding claims 4, 13, 21, and 29, the DSL Forum teaches the method of claims 3, 12, 20, and 28.

DSL forum does not explicitly indicate wherein transmitting the authentication result further comprises: transmitting from the Protocol Handler, a valid authorization code to the NSP and/or the ASP if the service provider credentials are validated at the DSL service manager; and transmitting from the Protocol Handler, an invalid authorization code to the NSP and/or the ASP if the service provider credentials are not validated at the DSL service manager.

Freed teaches transmitting from the Protocol Handler, a valid authorization code to the NSP and/or the ASP if the service provider credentials are validated at the DSL service manager; and transmitting from the Protocol Handler, an invalid authorization code to the NSP and/or the ASP if the service provider credentials are not validated at the DSL service manager (Column 14, lines 8 – 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freed's teaching of how to handle the service provider request at the server in the DSL Forum in order allow the server to validate the request before allocating the requested resources.

Regarding claims 5, 14, 22, and 30, The DSL forum teaches the method of claim 4.

The DSL forum does not explicitly indicate wherein the authentication result is included in a establish service session response from the RAN to the NSP and/or the ASP and wherein the establish service session response is transmitted from the Protocol Handler to the NSP and/or the ASP.

Freed teaches that the authentication result is included in a establish service session response from the RAN to the NSP and/or the ASP and wherein the establish service session response is transmitted from the Protocol Handler to the NSP and/or the ASP (Column 14, lines 8 – 17).

Regarding claim 9, The DSL Forum teaches the method of claim 1 wherein the service provider record comprises a service provider record maintained at the NSP that identifies the NSP, a service provider record maintained at the ASP that identifies the ASP and/or corresponding service provider records maintained at the RAN that identify the NSP and/or the ASP (Page 32, under the characteristics section).

Claims 6-8, 15-17, 23-25, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over The DSL Forum in view of Freed, and further in view of Zhang (6792457).

Regarding claims 6, 15, 23, and 31, The DSL forum teaches the method of claims 2, 11, 19, and 25.

The DSL forum and the reference, Freed only discloses that the requests being authenticated by the Radius servers are for initiating sessions.

Zhang teaches the system of using requests from the service provider for both requesting sessions and closing sessions that are active (Column 6, lines 20 – 30; Column 7, lines 6 – 20; Column 8, lines 31 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Zhang's teaching in the DSL forum network in order to ensure that the open sessions are closed and the resources can get reallocated.

Regarding claims 7, 16, 24, and 32, The DSL Forum teaches the method of claims 6, 15, 23, and 31.

The DSL Forum does not explicitly indicate releasing session resources associated with the terminated communication session.

Zhang teaches releasing session resources associated with the terminated communication session (Column 7, lines 1 – 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Zhang's teaching in the DSL forum network in order to ensure that the open sessions are closed and the resources can get reallocated.

Regarding claims 8, 17, 25, and 33, The DSL forum teaches the method of claims 6, 15, 23, and 31.

The DSL Forum does not explicitly indicate wherein transmitting the termination result comprises transmitting a terminate service session response from the Protocol Handler to the NSP and/or the ASP.

Freed teaches that the Radius server sends the response to the service provider
for requests issued (Column 14, lines 9 – 14).

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to use Freed's teaching of using the service provider's to set up
communication sessions in the DSL Forum's network in order to allow the service
provider to set up the necessary resources for the customer premises network.

Response to Arguments

Applicant's arguments filed December 20, 2007 have been fully considered but
they are not persuasive.

Regarding claim 1, the applicant argues that the combination of the DSL Forum
and Freed does not teach authenticating the NSP and/or ASP based on the information
contained in the service provider record or transmitting from the RAN the authentication
result or termination result to the NSP and/or ASP.

The examiner disagrees, the DSL Forum teaches a DSL system that includes
network configuration as described in the claim (Figure 20, Figure 14, Figure 19, and
Figure 21). The DSL Forum as teaches that the BRAS contains service records and
receives session requests from the service providers. The DSL Forum is only lacking
detailed information about how session requests are requested from the service
providers to the policy enforcement points (BRAS) to create service requests.

Freed teaches a network system that can include both embodiments of DSL and cable network connections. As part of Freed's disclosure is the method of the service provider requesting from the policy enforcement point a service request (Column 13, lines 49 – 53). In the rejection, Freed is only being relied upon to teach a method of service providers creating the sessions in the network through the request, the authentication, and the transmitted result steps as shown in the claim limitation. One of ordinary skill in the art at the time the invention was made would understand that service sessions can be made in the DSL Forum's system to allow the service providers in the DSL Forum's system (the NSP and ASP) to request services in the same process.

Regarding claim 1, the applicant argues that the combination does not teach the request for termination requests of session information. Claim 1 recites "a request to establish **or** terminate a communication session" and throughout the claim always stipulates an authentication or termination request and result. Because of the presence of the ors in the claim, it creates alternative language so as long as the art reads on either authentication or termination it meets the limitations of the claim.

Regarding claim 1, the applicant argues that the references, DSL forum and Freed teach away from each other and cannot be combined. The examiner disagrees, both references are concerned with providing service sessions in a network. Both networks include service providers and policy enforcement points. While a DSL network may not be the preferred embodiment of the Freed reference, it does not discount the benefits taught in Freed from being employed in a DSL network.

Regarding claim 3, the applicant argues that Freed once again teaches away

from a DSL network. As stated above, there is no express teaching in Freed that

teaches that its session creation and authentication improvements cannot be employed

in a DSL network such as one taught in the DSL Forum.

Regarding claim 6, the applicant argues that Zhang does not recite the

components of the DSL system involved in the termination of service sessions. The

examiner disagrees, Zhang is not being relied upon to teach the exact components

described in the claim. DSL forum provides the teaching of the DSL network recited in

the claim. Zhang is being relied on to teach that a service provider is responsible for

both the creation and termination of service sessions (Column 7, lines 20 – 30; Column

8, lines 31 – 40). Zhang's teaching along with DSL forum and Freed teach the

communication method of how service providers make requests from the policy

enforcement devices in the network. Those request can be to create or terminate

service sessions.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Bates whose telephone number is (571) 272-

3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Bates
February 2, 2008

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